

1 AMENDMENT TO SENATE BILL 1125

2 AMENDMENT NO. _____. Amend Senate Bill 1125 as follows:

3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Restricted Call Registry Act is amended
6 by changing Section 5 as follows:

7 (815 ILCS 402/5)

8 Sec. 5. Definitions. As used in this Act:

9 (a) "Residential subscriber" means a person or spouse
10 who has subscribed to either residential telephone service
11 from a local exchange company or public mobile services, as
12 defined by Section 13-214 of the Public Utilities Act, a
13 guardian of the person or the person's spouse, or an
14 individual who has power of attorney from or an authorized
15 agent of the person or the person's spouse.

16 (b) "Established business relationship" means a
17 relationship between a person or entity and a residential
18 subscriber based on the residential subscriber's purchase,
19 rental or lease of the seller's goods or services or a
20 financial transaction between a person or entity and a
21 residential subscriber, within the 18 months immediately

1 preceding the date of a telemarketing call the-existence-of
 2 an-oral-or-written-transaction, agreement, contract, or other
 3 legal-state-of-affairs-involving-a-person-or--entity--and--an
 4 existing--customer--under-which-both-parties-have-a-course-of
 5 conduct-or-established-pattern-of-activity-for-commercial--or
 6 mercantile--purposes--and--for--the-benefit-or-profit-of-both
 7 parties.-A-pattern-of--activity--does--not--necessarily--mean
 8 multiple---previous---contacts. The established business
 9 relationship must exist between the residential subscriber
 10 existing-customer and the person or entity directly, and does
 11 not extend to any other person or entity related to the
 12 person or entity that has the established business
 13 relationship, including, but not limited to, a parent,
 14 subsidiary or affiliate of the business entity that has the
 15 established business relationship related-business-entity--or
 16 other--business--organization--of--the--person--or--entity-or
 17 related-to-the-person-or-entity-or--the--person--or--entity's
 18 agent--including--but--not--limited--to-a-parent-corporation,
 19 subsidiary--partnership,--company--or--other--corporation--or
 20 affiliate.

21 (c) (Blank). "Existing-customer"-means-an-individual-who
 22 has-either:

23 (1)--entered---into---a---transaction,---agreement,
 24 contract,--or--other--legal--state--of--affairs-between-a
 25 person-or-entity-and-a-residential-subscriber-under-which
 26 the-payment-or-exchange-of-consideration-for-any-goods-or
 27 services-has-taken-place-within-the-preceding--18--months
 28 or-has-been-arranged-to-take-place-at-a-future-time;-or

29 (2)--opened--or--maintained--a-debit-account, credit
 30 card-account, or other-credit-or-discount-program-offered
 31 by-or-in-conjunction-with-the-person-or--entity--and--has
 32 not--requested-the-person-or-entity-to-close-such-account
 33 or-terminate-such-program.

34 (d) "Registry" means the Restricted Call Registry

1 established under this Act.

2 (e) "Telephone solicitation" means any voice
3 communication over a telephone line from a live operator,
4 through the use of an autodialer or autodialer system, as
5 defined in Section 5 of the Automatic Telephone Dialers Act,
6 or by other means for the purpose of encouraging the purchase
7 or rental of, or investment in, property, goods, or services,
8 or for the purposes of soliciting charitable contributions
9 but does not include communications:

10 (1) to any residential subscriber with that
11 subscriber's prior express invitation or permission when
12 a voluntary 2-way communication between a person or
13 entity and a residential subscriber has occurred with or
14 without an exchange of consideration. A telephone
15 solicitation is presumed not to be made at the express
16 request of a subscriber if one of the following occurs,
17 as applicable:

18 (A) The telephone solicitation is made 30
19 business days or more after the last date on which
20 the subscriber contacted a business with the purpose
21 of inquiring about the potential purchase of goods
22 or services.

23 (B) The telephone solicitation is made 30
24 business days or more after the last date on which
25 the subscriber consented to be contacted.

26 (C) The telephone solicitation is made 30
27 business days or more after a product or service
28 becomes available where the subscriber has made a
29 request to the business for that product or service
30 that is not then available, and requests a call when
31 the product or service becomes available;

32 (2) by or on behalf of any person or entity with
33 whom a residential subscriber has an established business
34 relationship that which has not been terminated in

1 writing by either party and that which is related to the
 2 ~~nature-of-the~~ established business relationship, unless
 3 the residential subscriber has stated in writing to the
 4 person or entity that he or she no longer wishes to
 5 receive telemarketing calls from that person or entity;

6 (3) (blank); ~~by--or--on--behalf--of--any-person-or~~
 7 ~~entity-with-whom-a-residential-subscriber-is-an--existing~~
 8 ~~customer,-unless-the-customer-has-stated-to-the-person-or~~
 9 ~~entity--or-the-person-or-entity's-agent-that-he-or-she-no~~
 10 ~~longer-wishes-to-receive-the-telemarketing-sales-calls-of~~
 11 ~~the-person-or-entity,-or-unless-the-nature-of-the-call-is~~
 12 ~~unrelated-to-the-established-business--relationship--with~~
 13 ~~the-existing-customer;~~

14 (4) by or on behalf of an organization that is
 15 exempt from federal income taxation under Section 501(c)
 16 of the Internal Revenue Code, but only if the person
 17 making the telephone solicitation immediately discloses
 18 all of the following information upon making contact with
 19 the consumer:

20 (A) the caller's true first and last name; and

21 (B) the name, address, and telephone number of
 22 the organization;

23 (5) by or on behalf of an individual licensed under
 24 the Real Estate License Act of 2000 or as an insurance
 25 producer under the Illinois Insurance Code who either:

26 (A) is setting or attempting to set a face to
 27 face appointment for actions relating to that
 28 individual's real estate or insurance business; or

29 (B) is encouraging or attempting to encourage
 30 the purchase or rental of, or investment in,
 31 property, goods, or services, for which solicitation
 32 is subject to the Real Estate License Act of 2000 or
 33 the Illinois Insurance Code, and which cannot be
 34 completed, and for which payment or authorization of

1 payment is not required, until after a written or
2 electronic agreement is signed by the residential
3 subscriber; or

4 (6) until July 1, 2005, by or on behalf of any
5 entity over which the Federal Communications Commission
6 or the Illinois Commerce Commission has regulatory
7 authority to the extent that, subject to that authority,
8 the entity is required to maintain a license, permit, or
9 certificate to sell or provide telecommunications
10 service, as defined in Section 13-203 of the Public
11 Utilities Act, while the entity is engaged in telephone
12 solicitation for inter-exchange telecommunications
13 service, as defined in Section 13-205 of the Public
14 Utilities Act, or local exchange telecommunications
15 service, as defined in Section 13-204 of the Public
16 Utilities Act or to the extent, subject to the regulatory
17 authority of the Federal Communications Commission, the
18 entity is defined by Title 47 Section 522(5) of the
19 United States Code, or providers of information services
20 as defined by Title 47 Section 153(20) of the United
21 States Code.

22 (Source: P.A. 92-795, eff. 8-9-02.)".